



~~STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT~~

~~BUREAU OF NATURAL RESOURCES  
FISH AND WILDLIFE  
&  
LAW ENFORCEMENT~~



~~RHODE ISLAND MARINE FISHERIES  
REGULATIONS~~

~~Part XI  
Commercial Fisheries~~

~~August 19, 2014~~

~~**AUTHORITY:** Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.~~

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## **PURPOSE**

~~The purpose of these rules and regulations is to supplement and simplify and/or clarify existing regulations in order to more efficiently manage the marine resources of Rhode Island.~~

## **AUTHORITY**

~~These regulations are adopted pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.~~

## **APPLICATION**

~~The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.~~

## **DEFINITIONS**

~~See Rhode Island Marine Statutes and Regulations, Part I, '1.3.~~

## **SEVERABILITY**

~~If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.~~

## **SUPERSEDED RULES AND REGULATIONS**

~~—On the effective date of these rules and regulations, all previous rules and regulations, and any policies regarding the administration and enforcement of Part XI shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.~~

**~~R.I. Marine Fisheries Regulations~~**  
**~~PART XI – COMMERCIAL FISHERIES~~**

~~11.1 Commercial Fishing: No person shall engage in the taking for sale by any manner, method, or contrivance, of any marine finfish, shellfish, crustacean, or other invertebrate; and no vessel, boat, trap, seine, or other fishing gear shall be used in the taking for sale of any marine finfish, shellfish, crustacean, or other invertebrate unless a license therefor has been obtained as provided in this Title. (RIGL 20-4-1)~~

~~11.2 Otter Trawls, Pair Trawls, and Beam Trawls:~~

~~11.2.1 Areas Prohibited: Unless otherwise specified in regulations adopted by the Department, and except for those areas described in § 20-4-3, no person shall operate a beam, pair, or otter trawl or other mechanical trawling device in the Sakonnet River, Narragansett Bay, in Point Judith Pond, so-called, in the towns of Narragansett and South Kingstown, or the Harbor of Refuge, so-called, in the town of Narragansett, or in Potter Pond, so-called, in the town of South Kingstown, or in Great Salt Pond, so-called, in the town of New Shoreham. (RIGL 20-4-2)~~

~~11.2.3 Areas Allowed: Any licensed resident commercial fisherman and a nonresident commercial fisherman licensed pursuant to § 20-2-28, may operate otter, beam, or pair trawls, or other mechanical trawling device subject to rules and regulations of the Department, in the area of Narragansett Bay and Sakonnet River south of a line, extending from [a DEM marker at] Spink Neck in the town of North Kingstown in a northeasterly direction to [a DEM marker at] Pine Hill Point on Prudence Island and from a point at Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island shoal light, thence to the north abutment of Mt. Hope Bridge in the town of Bristol, and south of a line extending from McCurry Point, so-called, on the east side of the town of Portsmouth northeasterly in a line to the southerly point of Jack's Island, so-called, in the town of Tiverton. The area subject to this section may be changed by rules and regulations adopted by the Department. (RIGL 20-4-3)~~

~~11.3 Seines, Fyke Net, and Trawling prohibition in Ponds and Rivers:~~

~~11.3.1 Seining: It is illegal to set, haul, and/or maintain a seine along the shoreline within one half (½) mile in both directions of the seaward entrance to any of the ponds and rivers listed below when the area is open to the sea. This seining prohibition shall also extend seaward for a distance of three hundred (300) yards. The following areas shall be covered by this regulation: Quicksand Pond and channel, Tunipus Pond and channel, Cards Pond and channel, Trustom Pond and channel, Quonochontaug Pond and channel, Charlestown Pond and channel, Winnapaug Pond and channel.~~

~~11.3.2 Fyke nets: Fyke nets are prohibited in all of the Salt Pond channels as defined in RIMFR Part III.~~

~~11.3.3 Trawling Devices: It is illegal to set, haul, and/or maintain a trawling device in any of the channels, ponds, and/or rivers as follows: Quicksand Pond and channel, Tunipus Pond and channel, Briggs Marsh and channel, Round Pond and channel, Narrow River and channel, Point Judith Pond and channel, East Pond and channel, Potter Pond and channel, The Harbor of Refuge, Card Pond and channel, Green Hill Pond and channel, Trustom Pond and channel, and Winnapaug Pond and channel.~~

~~11.4 Seines, Trawling Devices, and Gill Net prohibitions by Geographic Area:~~

~~11.4.1 Pawcatuck River and Little Narragansett Bay: Except as herein provided for Menhaden, it shall be illegal to set, maintain, or haul a gill net for any species in that portion of Rhode Island waters in the Pawcatuck River or Little Narragansett Bay and within one and one half (1 ½) miles south (true) and west (true) of Napatree Point. Gill netting for Menhaden will be permitted with a Size No. 1 net provided that the net is constantly tended by the individual setting the net, and provided that the net does not exceed one hundred (100) feet in length and contain a mesh size greater than three and three quarters (3 ¾) inches stretched). It shall be unlawful to retain any other species of fish captured in a Menhaden gill net in Little Narragansett Bay or the Pawcatuck River. With the exception of seining between February 1 and April 15 of each year, all netting (including Menhaden gill netting) shall be prohibited north of a line from Pawcatuck Rock to Thompson Point.~~

~~11.4.2 Point Judith Pond and Potter Pond: All netting, except licensed fish traps, shall be prohibited in the Harbor of Refuge and the southern portion of Point Judith Pond. This area shall be defined as including the water area encompassed by the Harbor of Refuge Breakwater and will be bounded on the north by a line from Strawberry Hill Point to High Point, and on the east by the Great Island Bridge. Gill netting will be prohibited in Point Judith Pond and channel, East Pond and channel, Potter Pond and channel, the Interior Harbor of Refuge, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. Otter trawling inside the Harbor of Refuge, Point Judith Pond, East Pond, and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater shall be prohibited. It shall be illegal to set, haul, and/or maintain a seine in the southern portion of Point Judith Pond (as defined above), the Harbor of Refuge and within one hundred (100) yards seaward of the Harbor of Refuge Breakwater. In addition, in the northern portion of Point Judith Pond, all netting shall be prohibited in the Narrows bounded on the west by a line from Betty Hull Point to Short Point, and on the east by a line from Blue Rock Point to Old Cellar Point. All netting shall also be prohibited north of a line from Ram Point to Squally Point.~~

~~11.4.3 Potter Pond and Channel: It shall be illegal to set, haul, and/or maintain a gill net or otter trawl in Potter Pond and channel. All netting in Potter Pond channel shall be prohibited between Gooseberry Island on the east end of the channel to the west end of Potter Pond channel. Netting will be permitted in Succotash Marsh. In~~

~~the northern portion of Potter Pond, all netting shall be prohibited within one hundred (100) feet of the Captain's Brook.~~

~~11.4.4 Narrow River: It shall be illegal to set, haul, and/or maintain a trawling device or gill net in Narrow River channel. All netting shall be prohibited in Narrow River channel (refer to definition section), and within three hundred (300) yards of the seaward entrance to Narrow River. In addition, all netting shall be prohibited in Narrow River between Middle Bridge and a point located eight hundred (800) feet north of Bridgetown Road Bridge (Route 138), within one hundred (100) feet north and south sides of the upper Narrows, and within one hundred (100) feet east and west of the seaward mouth of Gilbert Stuart Brook.~~

~~11.4.5 Charlestown Pond: Otter trawling is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in the area described as south of a line between Marsh Point and Horseshoe Point on the Arnolds shore, west of a line between DEM markers on Marsh Point and Marsh Neck Point. The prohibited area is bounded on the west by a line between the east shore of the Foster Cove channel and a DEM marker on the barrier beach.~~

~~(A) All fixed gear is prohibited in the Foster Cove Channel and in the narrows in Charlestown Pond.~~

~~11.4.6 Quonochontaug Pond: Otter trawling in Quonochontaug Pond is prohibited on Saturdays, Sundays, and official State holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, V.J. Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas in the area described as south of a line running easterly from a DEM marker at the end of Quahaug Point to the northern end of Nopes (Barn) Island. The area is bordered on the west by a line running south from Quahaug Point to a DEM marker on the barrier beach.~~

~~11.4.7 Upper Sakonnet River Marine Life Management Area: Described as that portion of the Upper Sakonnet River which lies north of a line from McCurry Pt. in Portsmouth to the southern end of Jack's Island (so-called) in Tiverton; and that portion of the Sakonnet River which lies south of the Sakonnet River Bridge (Rt. 24) to the southern boundary.~~

~~(A) Closed Area: This area is closed to trawling devices.~~

~~11.5 Fyke Net Regulations: It shall be illegal to use a fyke net for the purpose of taking any fish if said fyke net leader exceeds one hundred (100) feet in length, has a stretched mesh greater than two and one half (2 1/2) inches, a leader which extends more than four (4) feet off the bottom, is not tended every forty-eight (48) hours, and which is within two hundred and fifty (250) feet of any other fishing net. Anyone setting a fyke net must register said gear with the Department.~~

~~11.6 Use of Explosives: The use of explosives as a fishing device in the internal and territorial waters of the State of Rhode Island shall be prohibited.~~

~~11.7 Migratory Fish Regulations – Statewide: It shall be illegal to obstruct the free passage of anadromous or catadromous fish in any of the coastal rivers, streams, and/or estuaries of the State of Rhode Island. This shall include, but not be limited to, the following areas: Quicksand Pond, Tunipus Pond, Briggs Marsh, Round Pond, Warren River, Barrington River, Brickyard Pond, Seekonk River, Narrow River, Point Judith Pond, Potter Pond, Card Pond, Trustom Pond, Green Hill Pond, Charlestown Pond, Quonochontaug Pond, Winnapaug Pond, Pawcatuck River, Mastuxet Brook, King Tom Pond, Factory Pond, Mill Pond, Smelt Brook, Saugatucket River, Gilbert Stuart Brook, Wesquage Pond, Annaquatucket River, Cocumscussoc Brook, Potowomut River, Maskerchugg River, Gorton Pond, Tuscatauck Brook, Spring Green Pond, Pawtuxet River Woonasquatucket River, Moshassuck River, Seekonk River, Ten Mile River, Annawomscutt Brook, Mussachuck Creek, Runnie River, Kickemuit River, Sin and Flesh Brook, Nonquit Pond, Patchet Brook, Dunderry Brook, Cold Brook, Goose Neck Cove, Lily Pond, Almy Pond, Easton Pond Brook and Palmer River. It is illegal to take and/or possess Atlantic salmon.~~

~~11.8 Marking of Traps: The owner of every trap, pot, or other stationary contrivance used for the taking of marine fish, shellfish, crustaceans, or other invertebrates being fished in the waters of this state, and the owner of any trap or pot for catching or cars, or other contrivance for keeping lobsters, shall mark each such trap, pot, or contrivance, together with the buoy which is attached thereto, with the name or names of the owners thereof or the person or persons using the same, and the license number or numbers of such person or persons. Every person failing to mark each trap as provided in this Section shall be fined not less than twenty dollars (\$20) nor more than five hundred dollars (\$500) for each such offense and all traps, pots, or other contrivances used contrary to the provisions of this and other Sections of this Chapter shall be seized by any officer engaged in the enforcement of this Chapter; and the property shall be forfeited to the state. (RIGL 20-4-7)~~

~~11.8.1 Trap (pot) Limits: Each person utilizing traps or pots in the fishery for scup shall be permitted to fish up to fifty pots, and each vessel engaged in this fishery will be permitted to set up to fifty traps regardless of the number of licenses on board.~~

~~11.8.2 Trap Construction – Escape Vents:~~

~~(A) Scup traps: All scup traps (pots) must be constructed with escape openings. Openings may be circular, rectangular, or square, and must be a minimum of 3.1" diameter, 2-1/4" X 5-3/4" if rectangular or may be constructed of 2-1/4" X 2-1/4" wire mesh. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(B) Black sea bass traps: All black sea bass traps (pots) must be constructed with two escape openings in the parlor portion of the trap. Openings may be~~

~~circular, rectangular, or square, and must be a minimum of 2.5" in diameter if circular, 1- 3/8" X 5-3/4" if rectangular, 2" X 2" if square. Escape vents must be attached with biodegradable fasteners which allow vents or panels to fall away from the trap after loss.~~

~~(C) The hinges or fasteners of one panel or door must be made of one of the following degradable materials:~~

~~(1) Un-treated hemp, jute, or cotton string 3/16" (4.8mm) or smaller;~~

~~(2) Magnesium alloy, timed float releases (pop-up devices) or similar magnesium alloy fasteners;~~

~~(3) Un-galvanized or uncoated iron wire of .094" (2.4mm) or smaller.~~

~~(4) If "bungee" cord or other elasticized material is used to fasten the top, it must be secured to the trap with a degradable hog ring.~~

~~(D) Buoy Lines: The use of floating line within eight (8) feet of the surface of the water is prohibited on all scup pots, traps, or similar contrivances.~~

~~11.9 Unauthorized Raising of Traps, Pots, and Devices: No person except the Director shall unduly disturb, lift, raise, molest, or remove any animal from a trap, pot, or other such device of a person licensed under this Title, without the written permission of that person. (RIGL 20-4-8)~~

~~11.10 Upper Narragansett Bay Trawling Area: The area is encompassed by the following lines: the southern boundary of the Upper Narragansett Bay otter trawling area is defined as a line from Spink Neck in the Town of North Kingstown to Pine Hill Point on Prudence Island, thence from Homestead Dock on the easterly shore of Prudence Island, thence northeasterly to Hog Island Shoal Light, and thence to the north abutment of the Mt. Hope Bridge in the Town of Bristol; the western boundary of the area is a line from Sandy Point in the City of Warwick to the southern tip of Warwick Point in the City of Warwick; the northern boundary of the area is a line from the dock at Rocky Point in Warwick to the southern tip of Poppasquash Point in Bristol, thence to Hog Island Light, and thence to the northern abutment of the Mt. Hope Bridge in Bristol.~~

~~11.10.1 The use of beam trawls, otter trawls, pair trawls, or any other mechanical trawling device is allowed in the Upper Narragansett Bay Trawling Area between July 1st and November 1st annually, but not on weekends and legal State holidays.~~

~~11.11 Narragansett Bay, Mt. Hope Bay, Sakonnet River, Charlestown and Quonochontaug Ponds Winter Mesh Size Regulations: This area is defined as all Rhode Island State waters which are north of the following lines: north of a line running from easternmost extension of Carrier Pier to Conanicut Pt. to the tips of the T Pier on Prudence Island to Carr's Point; and north of a line from Sachuest Pt. to Sakonnet~~



~~Point; and all waters north of Quonochontaug and Charlestown Breachways. Except as provided for in Section 7.08-2 and 11.19, in that portion of the area described above which is open to trawling, it is illegal to utilize an otter trawl during the period November 1 to February 28, (inclusive) which has any mesh which measures less than 6" stretched mesh (measured inside knot to inside knot).~~

~~11.12 Regulations for Internal Waters Processing Applications for Atlantic herring and/or Atlantic mackerel: No application for Internal Waters Processing (IWP) of Atlantic herring and/or Atlantic mackerel shall be accepted after March 1, annually, unless accompanied by a legally binding contract for an IWP operation in Rhode Island waters involving Rhode Island fishing vessels. The Director may grant an allotment from Rhode Island's existing unallocated or un-contracted quota for a legally bound IWP application submitted after the March 1 deadline.~~

~~11.13 Violations for Non-compliance: If the DFW and/or the Chief of the Division of Law Enforcement determine that there has been non-compliance with the provisions of these regulations or the permit agreement, the owner and/or operator of the permitted vessel shall be advised of such determination and the specific grounds therefore in writing by delivery of same by certified mail or by personal service upon the owner or operator in compliance with the requirements set out in Rule 4 of the Rhode Island Superior Court Rules of Civil Procedure. The determination shall specifically include notice that an opportunity for an impartial hearing is available before the Administrative Adjudication Division pursuant to R.I. Gen. Laws Chapter 42-17.7 relative to either or both the finding that sufficient evidence exists of non-compliance with the provisions of these regulations or the permit agreement as well as the termination of the permit and or the imposition of a penalty pursuant to RIGL 20-1-16.~~

#### ~~11.14 Penalties~~

~~11.14.1 Judicially imposed penalty for violations: Any person who operates an otter, beam, or pair trawl, or other mechanical trawling device without a license as provided in 20-4-3 shall, upon conviction, be fined five hundred dollars (\$500) for each offense or may be imprisoned not exceeding thirty (30) days, or both. In addition to any fines imposed for failure to secure a license, the person shall be subject to the same penalties as set forth in §20-1-16 should the person set a beam, pair, or otter trawl, or other mechanical trawling device in areas prohibited by §20-4-2 or rules adopted under this section. (RIGL 20-4-4)~~

~~11.14.2 Additionally, a person may be subject to the imposition of a administrative penalty pursuant to DEM's "Rules and Regulations Governing the Suspension/Revocation of Commercial Marine Fisheries, Shellfish Buyer, Lobster Dealer, Finfish Dealer, and Multi-purpose Dealer, licenses issued pursuant to Title 20 of RIGL "Fish and Wildlife".~~

#### ~~11.15 Appeals~~

~~11.15.1 Denial of a license or permit: Persons denied a license or permit may request an appeal as provided by RIGL Chapter 42-17.7 and pursuant to DEM's "Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters".~~

~~11.15.2 Enforcement Action: Any person affected by a decision of the Director for an enforcement action pursuant to these regulations may file and appeal in accordance with RIGL Chapter 42-17.7 and DEM's Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters.~~

### **EFFECTIVE DATE**

~~The foregoing rules and regulations "Rhode Island Marine Fisheries Regulations, Part XI, Commercial Fisheries" after due notice, are hereby adopted and filed with the Secretary of State this 19<sup>th</sup> day of August, 2014 to become effective 20 days from filing, unless otherwise indicated below, in accordance with the provisions of Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35-18(b)(5), Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended.~~

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Janet L. Coit, Director  
Department of Environmental Management

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Notice Given: 02/21/2014  
Public Hearing: 03/25/2014

Filing date: 08/19/2014  
Effective date: 09/08/2014

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